



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 19, 2001

Marvin L Estes Jr
1983 Lombard Loop Rd
Wapato WA 98951

Re: Emergency Drought Permit G4-34514

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing orchard crops, grapes and hops where the loss of irrigation water would permanently damage trees and vines. Essential needs have been defined as 75% to 80% of a usual irrigation water duty delivered by the irrigation districts.

This authorization is conditioned by the following provisions and limitations:

This authorization is for two existing wells located approximately: 1.) 1100 feet south and 1600 feet west from the NE $\frac{1}{4}$ corner of Section 5, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T. 11 N., R. 20 E.W.M., and; 2.) 50 feet south and 200 feet west from the NE $\frac{1}{4}$ corner of Section 5, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T. 11 N., R. 20 E.W.M.

The quantity of water to be withdrawn is limited to 300 gpm and 59.4 acre-feet per year to irrigate 29.7 acres of orchard. This is based upon the instantaneous quantity requested in the application and an annual quantity of 2 acre-feet per acre for orchard.

Water is to be used for supplemental irrigation of 29.7 acres of orchard from May 1 to October 31, 2001. The place of use is described as follows:

In Section 32, T. 12 N., R. 20 E.W.M.: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying Southeasterly of the following described line: Beginning 342 feet north of the SW corner; thence N52°E 1664 feet to the NE corner of said subdivision. EXCEPT the S 30 feet thereof; AND

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In Section 5, T. 11 N., R. 20 E.W.M.: A tract of land lying in the NE¼ of Section 5, T. 11N., R. 20 E.W.M., described as follows: BEGINNING at the NE corner of said Section 5; thence south along the east line of said section a distance of 470 feet, to an iron pin; thence S 87°27'W 1492 feet, more or less, to a point on the Easterly right of way line of the Union Gap Canal; thence Northwesterly and along said easterly line of said right of way to the SE corner of the land heretofore conveyed to Albina Bourquin; thence Northeasterly along the east line of lands heretofore conveyed to Albina Bourquin 486 feet more or less to the North line of said Section 5; thence easterly along the North line of said section to the NE corner of Section 5, the place of beginning; EXCEPTING THEREFROM the following described tract: Beginning at the Northeast corner of Section 5, T. 11, N., R. 20 E.W.M., thence S 470 feet; thence S 87°27'W 921.3 feet; thence N 503 feet, to the north line of said Section 5; thence E 915 feet, more or less, to the point of beginning, containing 5.43 acres.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040. (Installation, operation and maintenance requirements attached hereto.)

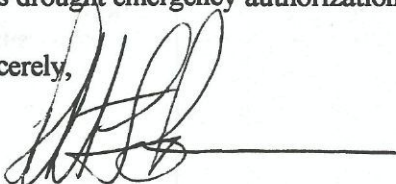
Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology at the end of the 2001 irrigation season.

Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

This drought emergency authorization expires on October 31, 2001.

Sincerely,



Robert F Barwin
Section Supervisor
Water Resources Program

PK:RFB:gg
010730

Enclosures: Flow Meter Requirements
cc: Yakama Nation



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 19, 2001

To: Carroll Palmer, Yakama Nation

RE: Emergency Drought Permit Authorization re: G4-34514

Enclosed is a copy of the Department of Ecology's Emergency Drought Permit Authorization(s), which constitutes our determination and order regarding the above-referenced application(s). If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gg
010730

Enclosures: Emergency Drought Change Authorization(s)

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